

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. 2:04-cr-0280-FCD-KJN-P

vs.

MARCO ANTONIO VARGAS,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 12, 2010, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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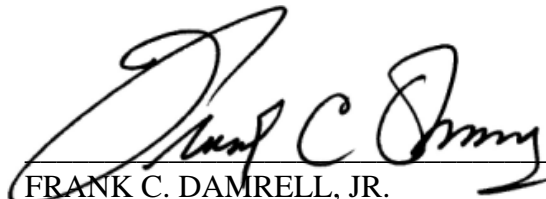
1 1. The findings and recommendations filed August 12, 2010, are adopted in full;

2 2. Movant's August 14, 2008 amended motion to vacate, set aside, or correct his  
3 sentence pursuant to 28 U.S.C. § 2255 is denied;

4 3. The Clerk of the Court is directed to close the companion civil case, No.  
5 2:07-cv-0705-FCD-KJN-P; and

6 4. The court declines to issue the certificate of appealability referenced in 28  
7 U.S.C. § 2253.

8 DATED: September 24, 2010.

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10 FRANK C. DAMRELL, JR.  
11 UNITED STATES DISTRICT JUDGE  
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